

## REMARKS

Applicant does not understand this Office Action. The claims were properly allowed in the Notice of Allowance dated July 18, 2005. Applicant objects to the characterization that the allowance of this application is withdrawn in view of “newly cited prior art.” The prior art relied upon in rejecting the claims after allowance was identified by applicant in the Information Disclosure Statement filed January 28, 2004, and has been before the examiner since prior to the first office action. The examiner properly allowed the claims over this art, and the “Quality Control” review of this application has failed in this instance, as evidenced by the withdrawal of the allowance of this application in view of the untenable rejections in the outstanding office action.

### **The Section 112 Rejection:**

Claims 72-80 stand rejected under Section 112 as being indefinite. Applicant maintains that “the” longitudinal axis of an elongated sheet is the “central” axis, but has amended Claim 72 in the interest of advancing the prosecution of this application. Reconsideration and withdrawal of the Section 112 rejection is solicited.

### **The Section 102 Rejection:**

Claims 36, 38, 39, 72, and 75 stand rejected as anticipated by U.S. Patent No. 4,688,358 to Madray. The examiner relies on the disclosure in Madray of Figure 2. Figure 2 discloses a “T adapter” and does not disclose “an elongated sheet from which one or more truss chord members may be formed” as recited in Claim 36. Claim 36 has also been amended to specify that the elongated sheet has a “nominal width” and that the narrow portion intermediate the notches has a width that is less than the nominal width of

the sheet. Madray does not disclose or suggest an elongated sheet having a nominal width comprising along the length thereof one or more opposing notches and thus and does not meet the limitations of Claim 36. Reconsideration and withdrawal of the rejection is solicited.

Claims 38 and 39 each depend from independent Claim 36 and are considered novel by virtue of their dependence, notwithstanding the additional patentable limitations contained therein.

The examiner has not applied Madray to Claim 72 or 75. Withdrawal of the rejection is solicited.

Claim 36 is further rejected as anticipated by U.S. Patent No. 5,884,448 to Pellock. The examiner relies on Figure 5. However, Figure 5 illustrates a truss spacer which is C-shaped in cross-section having the end portions of the flanges (tabs 38 and 40) bent outward to form the tongue 34. The truss spacer does not meet the limitations of “a substantially flat elongated sheet of light gauge metal from one or more truss chord members may be formed” as recited in amended Claim 36. Reconsideration and withdrawal of the rejection is solicited.

#### **The Section 103 Rejection:**

Claims 72-79 stand rejected as obvious over U.S. Patent No. 6,374,558 to Surowiecki in view of Madray. The examiner asserts that it would have been obvious to provide a grid of apertures along the longitudinal edges of the channel beam of Surowiecki to securely attach a stud member thereto. The examiner bases the assertion on the premise that Surowiecki is “concerned with providing a strong and precise

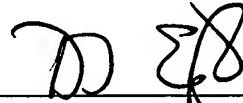
connection between the stud and supporting beam” citing column 2, lines 21-25 and 46-52. This premise is erroneous.

Surowiecki expressly teaches that the slots or other restrictive means used in the channel beam impede lateral movement of the stud “beyond that provided by screws” thus expressly teaching away from the connection of the stud to the channel beam by screws. (col.2, lines 21-25) Moreover, Surowiecki expressly states that the stud is “slidable” in the beam and that the stud is free to move vertically in the beam. Thus the connection of the stud to the beam by screws would make the invention of Surowiecki inoperable for its intended purpose. (col.2, lines 21-25)

Thus there is no motivation or suggestion from either reference to combine the references as asserted by the examiner. Reconsideration and withdrawal of the obviousness rejections is solicited.

A further and favorable action and allowance of the claims is solicited.

Respectfully submitted,



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